

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDWARD F. HAAS,

Plaintiff,

v.

CARLOS M. GUTIERREZ et al.,

Defendants.
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07 Civ. 3623 (GBD)

**DECLARATION OF
MELISSA J. LIEBERMAN**

MELISSA J. LIEBERMAN, pursuant to 28 U.S.C. § 1746, declares the following:

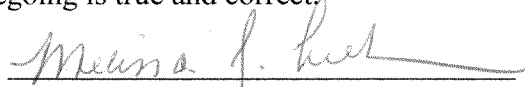
1. I am Deputy Chief Counsel for the National Institute of Standards and Technology ("NIST"), an operating unit of the United States Department of Commerce. I am an employee of the United States Department of Commerce Office of the General Counsel. I make this declaration in support of the government defendants' motion to dismiss the above-captioned complaint. I base this declaration on my personal knowledge and on the records of NIST.

2. Attached hereto as Exhibit A is a true and correct copy of a letter from NIST to Edward F. Haas, plaintiff in this action, dated August 22, 2007. This letter constitutes an initial denial of Haas's request for correction of certain information disseminated by NIST, which NIST received on March 1, 2007.

3. As noted in that letter, an appeal from such an initial denial must be made within 30 calendar days of the date of the initial decision. *See* Exhibit A hereto, page 4. On October 25, 2007, I contacted the Office of the NIST Deputy Director, the NIST official with whom Information Quality Act appeals must be filed pursuant to NIST IQA Guidelines, and, as of that date, that office had no record of any appeal having been filed by Mr. Haas.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Gaithersburg, Maryland
October 25, 2007


MELISSA J. LIEBERMAN